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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Spring Term, 1976

No. 75-6852

CHARLES IRA BURKE,

Petitioner,

vs

STATE OF NORTH CAROLINA,

Respondent

Rep. of State of N C

ANSWER TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT

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North Carolina

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TO: THE HONORABLE WARREN E. BURGER, CHIEF JUSTICE OF THE UNITED STATES, AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Now comes RUFUS EDMISTEN, ATTORNEY GENERAL FOR THE STATE OF NORTH CAROLINA, and for his Answer to the Petition for Writ of Certiorari to the United States Supreme Court filed by the petitioner in the above entitled cause says:

1. That the decision by the North Carolina Court of Appeals was unanimous and that the decision of the North Carolina Supreme Court denying the petitioner's appeal and Petition for Writ of Certiorari to that Court was unanimous.

2. That the Petition for Writ of Certiorari to this Court should be denied in that the decision of the North Carolina Court of Appeals and of the North Carolina Supreme Court were not in conflict with any of the decisions of the North Carolina Supreme Court or of the Supreme Court of the United States.

3. That the decisions of the North Carolina Appellate Courts did not result in the denial to the Petitioner of any of his rights guaranteed to him by the laws and Constitution of the State of North Carolina and by the Constitution of the United States.

4. In the Answer to the Petitioner's substantive allegations of error, the State of North Carolina says that the Petitioner has failed to show good or just cause for further review and that no such cause exists; that the entire record in this case does not reveal that any of the rights secured to the Petitioner by North Carolina law, the North Carolina Constitution or the United States Constitution were violated; and, there is, therefore, no substantial question arising under the Constitution of the State of North Carolina or the Constitution of the United States. There was sufficient evidence to convict the defendant of the crime with which he stood indicted.

5. The State of North Carolina specifically includes as a part of this response the decision of The North Carolina Court of Appeals and the Order by the North Carolina Supreme Court denying Petition for Discretionary Review (both attached to Petitioner's Petition) and in addition the Brief of Respondent, State of North Carolina, previously filed with the Supreme Court of the United States, October Term, 1975, No. 75-6568 in opposition to Petition for Writ of Certiorari, in the matter of Johnnie B. Hankerson, Petitioner vs The State of North Carolina, Respondent. All of these are incorporated herein and made a part hereof by reference.

This the 7th day of September, 1976.

Respectfully submitted,

RUFUS L. EDMISTEN
Attorney General

R. BRUCE WHITE, JR.
Deputy Attorney General

Guy A. Hamlin
Assistant Attorney General